DISCRETIONARY POWERS UNDER ARTICLE 136 OF THE CONSTITUTION

3197. SHRI M. A. BABY : Will the PRIME MINISTER be pleased to state :

(a) whether it is a fact, that under Article 136 of the Constitution, the Supreme Court of India has discretionary powers to grant special leave to appeal from any judgment made by any court of the country;

(b) whether Government have received a number of complaints that the justice is not being provided to an ordinary citizen who cannot afford a Senior Advocate ;

(c) whether any guidelines have been framed by the Supreme Court to stop the misuse of the discretion; and

(d) if so, the details thereof ?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ) : (a) to (d) Hon'ble Judges of the Supreme Court are constitutional functionaries who have in a number of judicial pronouncements laid down the scope of Article 136 of the Constitution. Powers under Article 136 being exceptional and discretionary in nature are exercised to decide substantial questions of law of general importance and in accordance with the requirement of justice. They cannot be treated as arbitrary powers. It is also not true that justice is not provided to those who cannot afford a Senior Advocate.

CORPUS FUNDS BENEFIT TO PUBLIC TRUSTS

3198. SHRI DILIP SINGH JUDEV : Will the PRIME MINISTER be pleased to state :

(a) what is the criteria of Corpus Funds benefit given to public trusts, societies and institutions in the country;

(b) the norms laid down by Government for public trust society to borrow donations from the Public under Corpus Fund Act ;

(c) whether it is a fact that the Delhi Gujarati Samaj Management is borrowing donations from those visitors, tourists and passengers who stay in the guest house building on commercial purpose rent on each room charges on account of donations and management of Delhi Gujarati Samaj are misusing corpus fund benefit;

(d) whether Government have permitted Delhi Gujarati Samaj to use corpus fund for their commercial purpose;

(e) whether Government have ever charged sales tax and hotel tax from this samaj on their commercial hotel activity;

(f) whether Government have conducted any enquiry into corpus fund scandal; and

(g) if so, the action taken in the matter ?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ) : (a) and (b) The societies are registered under the Societies Registration Act, 1860. There is no provision under this Act, as applicable to N.C.T. of Delhi, for grant of any corpus fund to societies.

(c) to (e) The Delhi Gujarati Samaj Management is registered in Delhi vide Registration No. S-71. Registered societies are required to send only annual list of governing body, under Section 4 of the said Act, to the Registrar of Societies. No other information about internal working of societies is maintained by the Registrar of Societies.

(f) and (g) No such enquiry has been conducted by the Registrar of Societies, Delhi as he is not empowered to investigate the internal affairs of the societies.

MERGER OF INDIAN HELD COMPANIES

3199. SHRI ASHOK MITRA : Will the PRIME MINISTER be pleased to state :